

HOUSE BILL 310

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HB 278/09 – W&M

01r2237

By: **Delegates Frank, Aumann, Bates, Beitzel, Boteler, Eckardt, Elliott, Haddaway, Jenkins, Krebs, McComas, McConkey, Myers, Norman, O'Donnell, Shank, Shewell, Stifler, Stocksdale, and Stull**

Introduced and read first time: January 27, 2010

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Special Election to Fill Vacancy in the Office of United States**
3 **Senator**

4 FOR the purpose of altering the process for filling a vacancy in the office of United
5 States Senator; repealing the authority of the Governor to make an
6 appointment to fill a vacancy in the office of United States Senator under
7 certain circumstances; requiring the Governor to issue a proclamation to call for
8 a special election to fill a vacancy in the office of United States Senator under
9 certain circumstances; and generally relating to filling a vacancy in the office of
10 United States Senator.

11 BY repealing and reenacting, without amendments,
12 Article – Election Law
13 Section 8–601
14 Annotated Code of Maryland
15 (2003 Volume and 2009 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Election Law
18 Section 8–602
19 Annotated Code of Maryland
20 (2003 Volume and 2009 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Election Law**

24 8–601.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Except for a special election to fill a vacancy, an election for the office of United
2 States Senator shall be held:

3 (1) in 1998 and every sixth year thereafter; and

4 (2) in 2000 and every sixth year thereafter.

5 8-602.

6 (a) (1) **[If] SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS**
7 **SUBSECTION, IF** there is a vacancy in the office of United States Senator, the
8 Governor shall [appoint an eligible individual to fill the vacancy.

9 (2) Except as provided in paragraph (3) of this subsection, the
10 appointed individual shall serve until a successor is elected pursuant to subsection (b)
11 of this section to fill the remainder of the term.

12 (3) The appointed individual shall serve for the remainder of the term
13 if the vacancy occurs after the date that is 21 days before the deadline for filing
14 certificates of candidacy for the election that is held in the fourth year of the term] **BY**
15 **PROCLAMATION CALL A SPECIAL ELECTION TO BE HELD ON A DATE THAT IS NOT**
16 **LESS THAN 60 BUT NOT MORE THAN 90 DAYS AFTER THE DATE THE VACANCY**
17 **OCCURS.**

18 **(2) IF THE VACANCY OCCURS ON A DATE THAT IS NOT LESS THAN**
19 **60 BUT NOT MORE THAN 90 DAYS BEFORE THE DATE OF THE PRIMARY**
20 **ELECTION FOR THAT OFFICE, THE GOVERNOR SHALL BY PROCLAMATION CALL**
21 **THE SPECIAL ELECTION TO BE HELD ON THE DATE OF THE PRIMARY ELECTION.**

22 **(3) IF THE VACANCY OCCURS ON A DATE THAT IS LESS THAN 60**
23 **DAYS BEFORE OR IS ON OR AFTER THE DATE OF THE PRIMARY ELECTION IN THE**
24 **YEAR IN WHICH A CANDIDATE TO FILL THE OFFICE IS REGULARLY ELECTED,**
25 **THE GOVERNOR MAY NOT CALL A SPECIAL ELECTION.**

26 (b) **[If the vacancy occurs before the date that is 21 days before the deadline**
27 **for filing certificates of candidacy for the next succeeding regular statewide election,**
28 **the Governor shall issue a proclamation immediately after the occurrence of the**
29 **vacancy declaring that a special primary election and a special general election shall**
30 **be held at the same time as the next regular statewide primary election and regular**
31 **statewide general election] IF THERE IS A VACANCY IN THE OFFICE OF UNITED**
32 **STATES SENATOR, THE GOVERNOR MAY, AT LEAST 5 BUT NOT LATER THAN 30**
33 **DAYS AFTER THE DATE OF THE VACANCY, APPOINT A QUALIFIED INDIVIDUAL TO**
34 **FILL THE VACANCY TEMPORARILY UNTIL THE RESULTS OF ANY SPECIAL**
35 **ELECTION CALLED TO FILL THE VACANCY ARE CERTIFIED.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2010.